

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREATER ST. LOUIS CONSTRUCTION)
LABORERS WELFARE FUND, et al.,)
)
Plaintiffs,)
)
vs.) Cause No. 4:14 CV 1352 RWS
)
RENA'S ENTERPRISE, LLC.,)
d/b/a RENA'S FINAL CLEANING,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs' motion for contempt. Plaintiffs have requested the Court's intervention because of Defendant's failure to comply with an order of this Court.

Defendant was served with this lawsuit but has never entered an appearance in this matter and is in default. I entered an order on October 30, 2014, requiring Defendant to submit its books, records and outstanding fringe benefit reports to Plaintiffs within thirty (30) days for review and copying. On January 6, 2014, Plaintiffs filed a motion for contempt based on Defendant's failure to comply with my order.

Plaintiffs' counsel attached an affidavit to the motion stating that the October 30, 2014 order was mailed to Defendant's registered agent, Kim Collins, on December 31, 2014. Plaintiffs' counsel's affidavit does not state whether the letter was sent by registered or certified mail, nor does it indicate any efforts by counsel to contact Defendant or its agent in an attempt to resolve Defendant's failure to provide the requested documents.

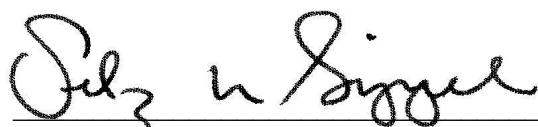
Before Plaintiffs call upon this Court to exercise its equitable powers to issue sanctions

for contempt, some minimal efforts need to be made by Plaintiffs' counsel to ensure Defendant received my order and counsel must attempt to otherwise contact Defendant to arrange compliance with my order.

To ensure Defendant received my October 30, 2014 order, Plaintiffs shall either personally serve Defendant with my order or send it by registered or certified mail. Defendant shall have thirty (30) days from such service to comply with the order. In the event Defendant does not comply, Plaintiffs' counsel must make a good faith effort to contact Defendant by phone, email, or otherwise in an attempt to obtain the information listed in the order before seeking relief from this Court. In the event that Defendant still fails to comply with my order, Plaintiffs may then renew their motion for contempt and either personally serve or send by registered/certified mail their motion to Defendant. The renewed motion shall state the method that my order was provided to Defendant and the efforts Plaintiffs' counsel made to contact and obtain compliance of the order before the renewed motion was filed.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' motion for contempt [#9] is **DENIED** without prejudice. Plaintiffs' counsel shall serve a copy of this order as well as my October 30, 2014 order upon Defendant as described above.



RODNEY W. SIPPEL
UNITED STATES DISTRICT COURT JUDGE

Dated this 7th day of January, 2015.